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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,254	12/04/2003	Armin Herb	DT-6714	7792
30377	7590	02/10/2006	EXAMINER	
DAVID TOREN, ESQ. ABELMAN FRAYNE & SCHWAB 666 THIRD AVENUE NEW YORK, NY 10017-5621			SHARP, JEFFREY ANDREW	
			ART UNIT	PAPER NUMBER
			3677	
DATE MAILED: 02/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/728,254	HERB, ARMIN	
	Examiner	Art Unit	
	Jeffrey Sharp	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5 and 7-23 is/are pending in the application.
- 4a) Of the above claim(s) 10-12,19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5,7,8,13,15-18 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 9 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

[1] This action is responsive to Applicant's remarks/amendment filed on 23 November 2005 with regard to the Official Office action mailed on 30 August 2005.

Status of Claims

[2] Claims 2, 3, 5, and 7-23 are pending. Claims 1, 4, and 6 are cancelled. Claims 10-12, 19, and 20 are withdrawn.

Claim Objections

[3] Claims 5 and 22 were previously objected to because of informalities. Applicant has successfully addressed these issues in the amendment filed on 23 November 2005. Accordingly, the objections to the claims have been withdrawn.

Claim 22 is currently objected to, because the word "element" (line 4) should be -- elements--.

Claim Rejections - 35 USC § 112

[4] The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

[5] Claim 20 was previously rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has successfully addressed the issue(s) of indefiniteness in the amendment filed on 23 November 2005 by canceling claim 20.

Response to Arguments/Remarks

[6] Claim(s) 1-9, 13, and 15-18 were previously rejected under 35 U.S.C. 102(b,e) as being anticipated by Hoffmann US-2002/0048499.

Applicant's arguments/remarks with regard to this reference have been fully considered, but are moot in view of the following new grounds of rejection.

[7] Claim(s) 1-8, 13-18, and 21 were previously rejected under 35 U.S.C. 102(e) as being anticipated by Hoffmann US-2002/0998057.

Applicant's arguments/remarks with regard to this reference have been fully considered, but are moot in view of the following new grounds of rejection.

New Grounds of Rejection

Claim Rejections - 35 USC § 112

[8] The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

[9] Claim 18 is currently rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is insufficient antecedent basis for the limitation "engaging means".

Claim Rejections - 35 USC § 102

[10] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[11] Claims 2, 3, 5, 7, 8, 13, 15-18, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffmann US-2002/0048499 A1.

In short, Hoffmann teaches an attachment system for securing a rod member (2) in a mounting opening of a constructional component, comprising:

a receiving sleeve (9,10) formed of at least two parts (9,10) spaced by at least one slot (12) and which includes a spring element (3) for connecting the parts (9,10), said receiving sleeve comprising at least one (broad) "adjusting surface" (23);

engagement means (3,6,7) for engaging said rod member (2);

an actuation member (14) connected with said receiving sleeve (9,10) and rotatable to radially displace the engagement means (3,6,7) between a first position and a second locked position, said actuation member being displaceable parallel to the longitudinal axis, and having torque transmitting means (flats 28 seen in Figure 4), said actuation member (14) further

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comprising at least one (broad) "actuation surface" (22) engageable with said adjusting surface (23);

a rear engagement member (15,30) displaceable through a mounting opening, which engages holding elements (not shown);

at least one holding element (31) for "engaging" behind the rear engagement member (15,30);

a stop (24) which may be used to engage a mounting opening limiting edges of a constructional component as an intended use (note that no constructional component is positively claimed);

As for claim 13, at least one of the "adjusting surface" (23) of the receiving sleeve (9,10) and "actuation surface" (22) of the actuation member (14) comprise an inclined surface (e.g., threads 16 and/or internal ramped receiving sleeve portion 11).

As for claim 16, the actuation member (14) is arranged outside of the receiving sleeve (9,10).

As for claim 17, the receiving sleeve (9,10) is formed as a single piece having at least one slot (12) and a springy web (19).

As for claim 18 (as it is definite), the attachment system further comprises spring means (3,6,7) for (broad) "retaining" the receiving sleeve.

As for claim 22, the rear engagement member has a locking element (18) engageable with the at least one slot (12).

[12] Applicant is reminded that claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Allowable Subject Matter

[13] Claims 9 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

[14] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

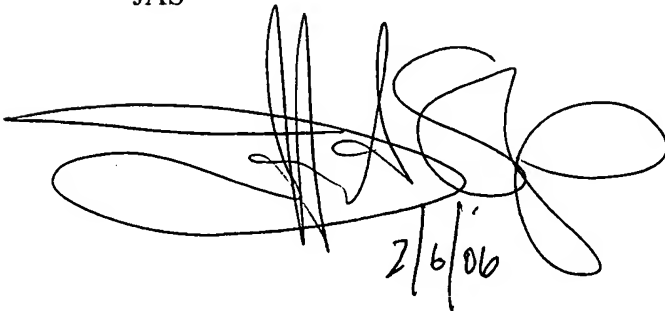
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[15] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached 7:00 am - 5:30 pm Mon-Thurs.

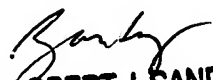
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS



Handwritten signature of JAS, dated 2/6/06.


ROBERT J. SANDY
PRIMARY EXAMINER